

Notice of Allowability

Application No.

10/820,860

Examiner

Steven D. Maki

Applicant(s)

LAGNIER, ALAIN

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12-19-06.
2. ☒ The allowed claim(s) is/are 1,3-8,10 and 11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 011807.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Extension of Time

1) An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 1-18-07, Alan Kopecki requested an extension of time for THREE MONTH(S) and authorized the Director to charge Deposit Account No. 02-4800 the required fee of \$570 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner's Amendment

2) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 8:

line 4 change "one series" to --a first and second series--

Examiner's Comment

3) The drawings filed 12-19-06 have been accepted and approved by the examiner. The subject matter of new figure 4 is reasonably conveyed by the original disclosure including original claims 1 and 2, original claims 8 and 9, and original figures 1-3.

Reasons for Allowance

4) The following is an examiner's statement of reasons for allowance:

Claims 1, 3-8, 10 and 11 are allowed in view of (1) the amendment to claims 1 and 8 and (2) applicant's corresponding arguments filed 12-19-06. The following comments are provided for emphasis. Japan 115 teaches forming a sipe having a rough wall using a blade having a corresponding rough wall. Shinohara adds to the disclosure of Japan 115 by teaching a sipe having a wall comprising ribs. One of ordinary skill in the art would readily appreciate that such a sipe is formed using a blade having a corresponding surface (i.e. a blade with grooves for forming the ribs of the sipe wall). Shinohara fails to teach a blade ("lamella") having a first series of grooves ("lines of motifs forming hollows") intersecting and passing through a second series of grooves ("lines of motifs forming hollows") and fails to teach a sipe having a first series of ribs ("lines of motifs in relief") intersecting and passing through the lines of a second series of ribs ("lines of motifs in relief") to form closed recesses therebetween. Japan 108 teaches a sipe wall *instead of* a blade wall having intersecting grooves. In the sipe wall of Japan 108, the intersecting grooves separate and define protrusions *instead of* closed recesses. The prior art of record whether taken singly or in combination fails to teach either (1) incisions having the combination of specific average roughness and specific first and second series of lines of motifs in relief as in tread claim 1 or (2) a lamella having the combination of specific average roughness and specific first and second series of lines of motifs forming hollows as in claim 8.

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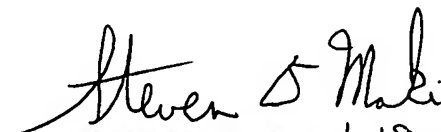
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki
January 18, 2007


STEVEN D. MAKI 1-18-07
PRIMARY EXAMINER



NEW SHEET
APPLN. FILING DATE: APRIL 9, 2004
TITLE: TREAD COMPRISING INCISIONS AND LAMELLA FOR
MOLDING THESE INCISIONS
INVENTOR(S): ALAIN LAGNIER
APPLN. NO.: 10/820,860

SHEET 1 OF 1

accepted
and
approved
Am
1-18-07

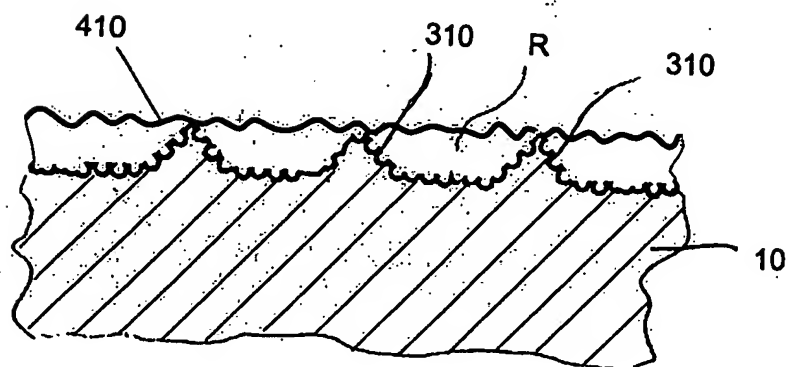


FIG. 4



REPLACEMENT SHEET

APPLN. FILING DATE: APRIL 9, 2004

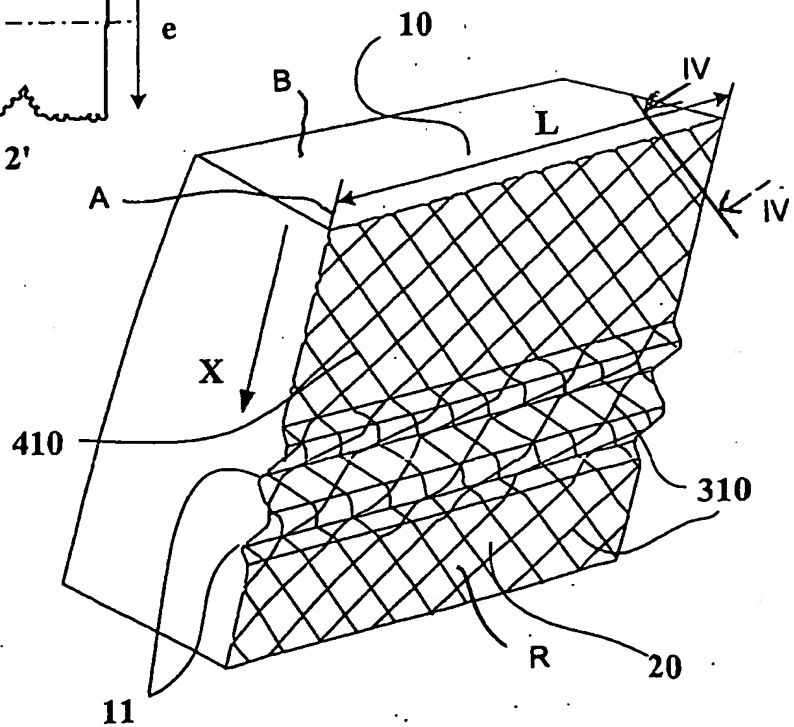
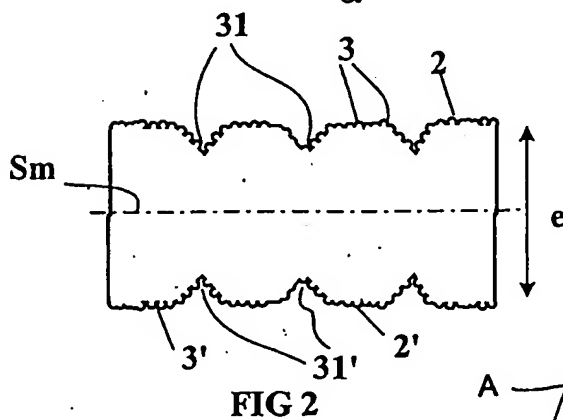
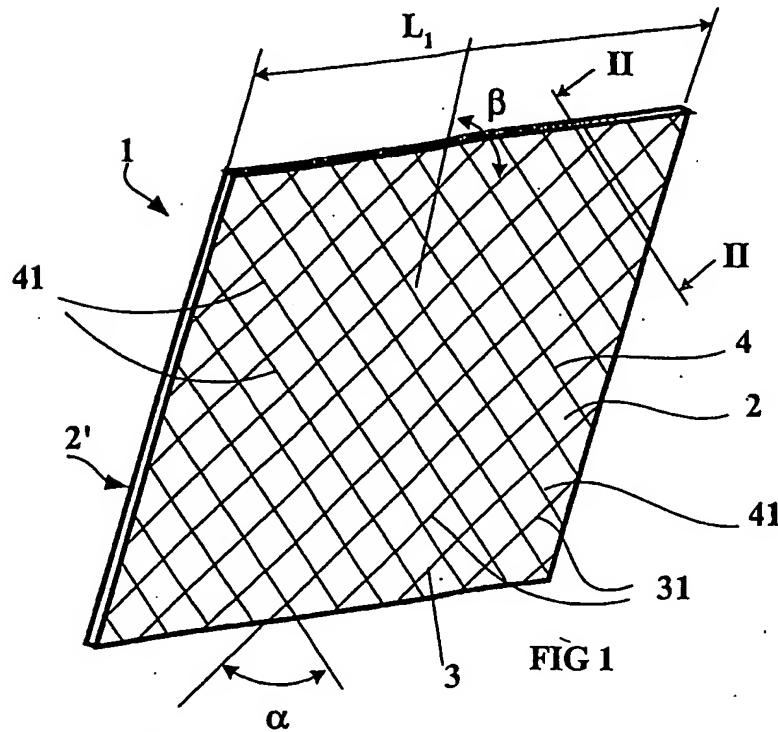
**TITLE: TREAD COMPRISING INCISIONS AND LAMELLA
FOR MOLDING THESE INCISIONS**

INVENTOR(S): ALAIN LAGNIER

APPLN. NO.: 10/820,860

SHEET 1 OF 1

1/1



accepted
and
approved
JLM
1-18-07